

SENATOR WARNER: Mr. President, I would rise to oppose Senator Newell's amendment for a couple of reasons. First I would rather suspect it has clear constitutional problems in terms of arbitrary classification and I have written the Attorney General for an opinion but only a couple of days ago which I have not yet received. So I would hope that the body would not adopt the amendment at this time. particularly pending to see what the Attorney General's opinion might state, but, secondly, also, I do not think that the proposal that he is suggesting is one that is appropriate for the Green Belt to attempt to select certain types of ground which under the tax manual now is not considered agricultural land in the first place and I would hope that you would not support the amendment because it clearly, in my opinion at least would clearly jeopardize the bill in terms of constitutionality.

PRESIDENT: Is there further discussion on the Newell amendment? Do you wish to close Senator Newell?

SENATOR NEWELL: Unfortunately I didn't listen to Senator Warner's arguments. Probably made some sense. I guess the only argument that I would make is a very simple argument and it is one that I think ought to hold some weight. The argument is is that in Douglas County where I admit we have been a little free with the whole question of Green Belt exemptions, we have granted these exemptions, we have set this value higher than it normally would be because the individual farmers, individuals who are involved in the truck farming operations didn't fight the valuation because the truth of the matter is that they were told they could get the Green Belt. Now maybe they shouldn't have got the Green Belt in the first place. I am not going to argue that point because it is a hard one for me to argue. But now that they have got it, it is kind of hard to change the rules and take it away from them and leave the higher valuations on their land. So if this amendment isn't accepted I hope that the Douglas County Assessor and the County Board of Douglas County would allow for some appeals on the land valuation that they presently have on.

PRESIDENT: Very well. All those in favor of the Newell amendment vote aye, opposed vote no. The motion is to adopt the Newell amendment to LB 26. All those wishing to vote please record your vote. Have you all voted? The Clerk will record the vote.

CLERK: 3 ayes, 10 nays, Mr. President, on the adoption of the amendment.